

State of New Mexico

CHILDREN, YOUTH and FAMILIES DEPARTMENT

MICHELLE LUJAN GRISHAM
GOVERNOR

HOWIE MORALES
LIEUTENANT GOVERNOR



BRIAN BLALOCK
CABINET SECRETARY

TERRY L. LOCKE
DEPUTY CABINET SECRETARY

October 4, 2019

Mr. Mark M. Conteno
President, VisionQuest, Ltd
600 N Swan Rd.
Tucson, Az. 85711

RE: Informal Resolution Conference Outcome

Dear Mr. Conteno,

This correspondence confirms that earlier today, VisionQuest, Ltd. (VQ) and the Children, Youth, and Families Department (CYFD) informally met pursuant to NMAC 7.8.3.19.A-D in regards to CYFD's August 28, 2019 Denial of Initial License, attached hereto. Additionally, this correspondence informs VQ that CYFD affirms and upholds its August 28, 2019 Denial of Initial License letter.

If VQ does not accept this letter as an informal resolution of this matter, VQ may, within 10 business days of receiving this letter, provide Licensing and Certification Authority Bureau (LCA) written notification of VQ's intent to appeal. An administrative hearing will be held within 30 calendar days of receipt of that written notification pursuant to NMAC 7.8.3.19.A-D. If LCA does not receive a letter requesting appeal within the aforementioned timeframe, CYFD will consider this matter resolved.

Email or fax notification of hearing option to:

CYFD: Licensing and Certification Authority Bureau
Attn: Lillian Rainer, Bureau Chief
Email: Lillian.Rainer@state.nm.us
Fax: (505) 827-4595

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Girard".

Kate Girard
Chief General Counsel
Children, Youth, and Families Department

Cc: File

State of New Mexico

CHILDREN, YOUTH and FAMILIES DEPARTMENT

MICHELLE LUJAN GRISHAM
GOVERNOR

HOWIE MORALES
LIEUTENANT GOVERNOR



BRIAN BLALOCK
CABINET SECRETARY

TERRY L. LOCKE
DEPUTY CABINET SECRETARY

August 28, 2019

Ms. Carol Keller
Director of Operations, AZ
VisionQuest, Ltd
600 N Swan Rd.
Tucson, Az. 85711

RE: VisionQuest Denial of Initial License

Dear Ms. Keller,

The Licensing and Certification Authority Bureau (LCA) has received VisionQuest's initial Letter of Intent on 8-12-19 (which included target population and proposed facility address information), regulatory compliance history (information received on 8-14-19 and reports received on 8-15-19), and a final Letter of Intent (received on 8-23-19). These documents address all information requested per LCA's 8-6-19 State of New Mexico Multi Service Home Regulatory Requirements letters. Per the LCA's letter, the information is specific to requirements for shelter licensing in New Mexico and allows LCA to determine next steps.

The following information has been provided by VisionQuest:

- Proposed facility and type of land
- Target population
- How supervision, clinical care, medical care, case management, and other services will be provided
- Governing Body and Director
- Direct service provision
- Staff training
- Trauma-informed/trauma-responsive services
- Staff with experience/expertise who will be developing policies/procedures
- Regulatory compliance implementation
- Regulatory compliance history

BEHAVIORAL HEALTH SERVICES
LICENSING & CERTIFICATION AUTHORITY BUREAU
1920 FIFTH ST. • SANTA FE, N.M. • 87505
PHONE: (505) 827-5889 • FAX: (505) 827-4595

Upon review of the above items, a significant area of concern has been identified. During the course of LCA's correspondence with VisionQuest, requests for regulatory compliance history were made on 8-6-19, 8-13-19, and 8-14-19. On 8-14-19, VisionQuest provided the following (which is also included in the 8-23-19 Letter of Intent):

"VisionQuest National, Ltd. never had a program license revoked or suspended but we have had the license on one of the living units in one of our Pennsylvania programs temporarily revoked. The state of Pennsylvania separately licenses each living unit (ex: a dormitory or other sleeping quarters) as opposed to licensing a program as a whole. At the facility we operated in South Mountain Pennsylvania the state licensed three separate living units. In October 2015, the state cited several licensing deficiencies in one of those living units – living unit "A" – and revoked the license on that living unit as a result. Neither of the other two living units at the South Mountain facility was effected by that license revocation although we did ultimately (and temporarily) close the South Mountain facility for other reasons. The South Mountain facility was eventually re-opened in February 2018 and a state license was reissued at that time. The South Mountain facility remains open and operational today. The reasons for the October 2015 living unit "A" license revocation were as follows: medical errors documentation missing; staff not timely and properly diagnosing a youth ultimately determined to be suffering from pneumonia; staff not properly trained to dispense medication; two youth rights violation one being improper emergency safety physical intervention and two being not treating a youth with fairness, dignity and respect."

Documented regulatory compliance history was not provided until after LCA requested compliance history reports on 8-14-19 and 8-15-19. The above compliance history information provided by VisionQuest does not reflect the reports which were provided to LCA on 8-15-19. The reports include the following health, safety, and welfare violations:

October 22, 2015 Licensure Revocation for License #328470 Child Residential Facility

10-14-15 Revocation Report Violations:

- Staff member bent the arm of a child behind the child's back and in an upward position because the child refused to complete chores. The incident caused pain to the child and was witnessed by several other children and another staff.
- Child requested Mucinex medication after exhibiting signs of breathing distress. Staff instructed client to drink water and told the client it was just a cold. The next morning, the client was taken to the emergency room and admitted to the hospital for pneumonia.
- Sixteen medication errors were documented (involving five clients), including failure to administer medications as ordered (psychotropic medications, over the counter, and prescription medications)
- Four staff who administered medications to clients did not complete approved medication administration training

- A client was allowed to have a Ventolin HFA inhaler and self-administered 70 puffs between bedtime and morning. A trained and qualified staff member was not present in the home at the time.

9-22-15 Inspection Summary Violations:

- Staff dragged a child out of bed by the child's arms. The child's underwear was exposed to at least one other child during the incident.
- Health/Safety assessment not completed until seven days after a child was admitted (required within 24 hours of admission)
- Five clients' health/safety assessments did not have immunization history documented as required
- One client did not have a health examination completed until 19 days after admission (due within 15 days of admission)
- Two clients did not have required sickle cell screening
- Four staff who administered medications to clients did not complete approved medication administration training
- Dated photographs were not completed for three clients

Regulatory compliance history information provided by VisionQuest on 8-14-19 does not accurately reflect the health, safety, and welfare violations of the licensure revocation and survey reports. This, in addition to VisionQuest not providing compliance history reports until LCA made two requests, is considered to be purposeful or intentional misrepresentation of information on documents provided to LCA. This, in addition to the history of licensure revocation, are grounds for denial of initial application for license pursuant to NMAC 7.8.3.18.D and F:

7.8.3.18 GROUND FOR REVOCATION, SUSPENSION OF LICENSE, DENIAL OF INITIAL OR RENEWAL APPLICATION FOR LICENSE, OR IMPOSITION OF SANCTIONS: A license may be revoked or suspended, an initial or renewal application for license may be denied, or sanctions may be imposed after notice and opportunity for a hearing, for any of the following:

D. Purposeful or intentional misrepresentation(s) or falsification(s) of any information on application forms or other documents provided to the Licensing Authority.

F. Presence of and or a history of licensure revocation, suspension, denial, other similar disciplinary actions taken by regulatory bodies within this state, or other states regardless of whether any of these actions resulted in a settlement.

Right to Hearing: Pursuant to NMAC 7.8.3.19.A-D, an appeal of this denial can be made in writing to the Licensing Authority within 10 business days of receipt of the official notice of licensure denial. When an appeal is filed the sanction is stayed until a hearing is held and final determination issued or an informal resolution reached, unless it is an emergency revocation or suspension of license. A hearing will be held within 30 calendar days. The entity filing the appeal may also request an informal resolution conference at that time. The purpose of the informal

resolution conference is to allow the entity receiving the sanction an opportunity to present information on plans to remedy deficiencies and discuss possible pre-hearing dispositions. This does not apply to the emergency revocation or suspension of a license or to the imposition of emergency sanctions. The Licensing Authority and the licensee may informally resolve any filed or potential appeal arising from the imposition of sanctions.

Please initial by the line beside the option you wish to choose. If you do not choose an option below, your hearing will be held as detailed below.

I wish to:

- ☐ 1. Request a hearing (or informal resolution conference).
☐ 2. Waive my right to a hearing (or informal resolution conference) on the denial.

Email or fax notification of hearing option to:

Children, Youth and Families Department
Licensing and Certification Authority Bureau
Attn: Lillian Rainer, Bureau Chief
Email: Lillian.Rainer@state.nm.us
Fax: (505) 827-4595

I can be contacted at 505-231-3129 should you have questions regarding this correspondence or other Licensing and Certification issues.

Sincerely,



Lillian Rainer, LCSW
Bureau Chief
Licensing and Certification Authority Bureau
CYFD, Behavioral Health Services

Cc: File